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TITLE: FAMILY & MEDICAL LEAVE POLICY	PERSONNEL ADMINISTRATIVE	RESOLUTION NO: 94-88
EFFECTIVE DATE: August 5, 1993	TYPE: POLICY PROCEDURE	SUPERSEDES: POLICY # PROCEDURE #

PURPOSE

To define the Board of Lucas County Commissioners' policy and procedure with regard to family and medical leave.

GENERAL

Employees who have been employed in the various departments within the appointing authority of the Board of Lucas County Commissioners for at least one (1) year, and for at least 1,250 hours during the preceding 12-month period, are eligible for family and medical leave. For employees not eligible for family and medical leave, the Board of County Commissioners will review requests to determine eligibility for leave under the State of Ohio Revised Code. Except for those employees designated as "highly compensated employees", employees will be returned to the same or to an equivalent position upon their return from leave. Family or medical leave will be unpaid leave. If leave is requested for an employee's own serious health condition, the employee must use all of his or her accrued paid sick leave, vacation or compensatory time. If leave is requested for any of the reasons listed below, an employee may be required to use all of his or her accrued paid vacation or compensatory time. The remainder of the leave period will then consist of unpaid leave.

REASONS FOR LEAVE

All employees who meet the applicable time-of-service requirements may be granted up to a total of 6 months of combined unpaid family leave, paid sick, vacation or compensatory time, when applicable, (during any 12-month period) for the following reasons:

- (1) the birth of the employee's child and in order to care for the child;**
- (2) the placement of a child with the employee for adoption or foster care;**
- (3) to care for a spouse, child, parent, sibling, or grandparent who has a serious health condition; or**
- (4) a serious health condition that renders the employee incapable of performing the functions**

of his or her job.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

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APPLICATION FOR LEAVE

In all cases, an employee requesting leave must complete the attached "Application for Family and Medical Leave" and return it to the Human Resources Department. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

NOTICE OF LEAVE

An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days in advance. When the need for family or medical leave is unforeseeable, the employee must give sufficient notice to his/her immediate supervisor.

MEDICAL CERTIFICATION OF LEAVE

An application for leave based on the serious health condition of the employee or the employee's spouse, child, parent, sibling or grandparent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child, parent, sibling or grandparent, the certification must so state, along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

BENEFITS COVERAGE DURING LEAVE

During a period of family or medical leave, an employee will be retained on the County's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse Lucas County for payment of health insurance premiums paid during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee's control.

An employee is not entitled to the accrual of any employment benefits that would have accrued if not for the taking of leave, specifically, sick and vacation leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

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RESTORATION TO EMPLOYMENT

An employee eligible for family and medical leave – with the exception of those employees designated as "highly compensated employees" – will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The Board of Lucas County Commissioners cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by the Board of Lucas County Commissioners.

RETURN FROM LEAVE

An employee must complete a "Notice of Intention to Return From Family or Medical Leave" before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.

FAILURE TO RETURN FROM LEAVE

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate dismissal unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee's spouse, child, parent, sibling or grandparent must submit a request for an extension, in writing, to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

INTERMITTENT LEAVE

An employee may take leave intermittently or on a reduced leave schedule for the birth or adoption or foster care placement of a son or daughter only if the employee and employer agree to such an arrangement.

Leave taken to care for a child, spouse, parent, sibling or grandparent, with a serious health condition, or in the case of an employee's own serious health condition, can be taken intermittently or on a reduced leave schedule, when medically necessary. An employee may request intermittent leave for foreseeable planned medical treatments. In this situation, the Board of Lucas County Commissioners may transfer the employee, temporarily, to an alternative position with equivalent pay and benefits.

Intermittent leave or leave taken on a reduced schedule will only reduce the total amount of entitled leave by that amount actually taken.

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SPOUSES EMPLOYED BY THE BOARD OF LUCAS COUNTY COMMISSIONERS

Where married couples are employed by the Board of Lucas County Commissioners, the total amount of leave they can take shall be limited to 6 months for the birth or adoption of a son or daughter or to care for a sick parent or grandparent. Example: Employee A and Employee B are employed in the CSEA and Mailroom, respectively, and are expecting a child. Both employees may be off at the same time, for a period not to exceed 6 months, for the birth of their child.

However, if leave is requested for either partner's own serious health condition, or serious health condition of the couple's son or daughter, the aforesated limitation does not apply. The employees, each, may take 6 months leave to care for the child.

NON-MARRIED DOMESTIC PARTNERS

This policy does not allow non-married employees leave to take care of a partner who has a serious health condition.

EXPIRATION OF FMLA LEAVE

Since FMLA leaves shall be limited to a maximum of 6 months in a 12-month period, employees requiring additional leave may be allowed an extended leave without pay, however, the employee shall be responsible to maintain their health care coverage.

PROCEDURE FOR REQUESTING FMLA-ELIGIBLE LEAVE

A) Thirty (30) days notice, with appropriate supporting documentation, must be given to employee's immediate supervisor, when requesting the following leaves:

- (1) The birth of the employee's child and to care for the child;**
- (2) The placement of a child with the employee for adoption or foster care;**
- (3) Foreseeable, planned medical treatments.**

B) Notice shall be given as soon as the necessity arises for the following leaves:

- (1) Employee's own serious health condition that renders him or her incapable of performing the functions of his or her job;**
- (2) To care for a spouse, child, parent, sibling or grandparent, who has a serious health condition.**

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C) The following leaves require the use of sick leave, vacation leave and compensatory time, prior to entering non-paid status:

- (1) Employee's own serious health condition;**
- (2) To care for a spouse, parent, sibling or grandparent, who has a serious health condition.**
- (3) The birth of the employee's child.**

D) All requests for FMLA-eligible leaves shall be submitted by the department to the Human Resources Department, who shall present leave requests to the Board of County Commissioners for consideration. The Human Resources Department shall notify the affected employee of the status of his or her leave request, along with the time period in which the leave must be completed, and the date the employee may be eligible for a future FMLA leave.

APPROVED BY:

DATE: